



JAN 10 2011

Valerie J. Camara  
MERCK  
P.O. Box 2000  
Rahway, NJ 07065In Re: Patent Term Extension  
Application for  
U.S. Patent No. 6,068,832  
Filed: August 19, 2010

## IMPROPER ASSOCIATE POWER OF ATTORNEY

The above-identified application for patent term extension has been filed by a practitioner who is not of record. A power of attorney may only be signed by the applicant for patent or the assignee of the entire interest of the applicant (as provided for under 37 C.F.R. § 3.71(b)). Since the rules of practice permit a patent practitioner to act in a representative capacity, see 37 C.F.R. § 1.34, the present application for patent term extension is considered to have been filed by a practitioner acting in a representative capacity. Thus, the patent term extension application has been accorded a filing date of August 19, 2010. Ms. Camara attempted to give power of attorney to Mr. Jacobsen via an associate power of attorney (Exh. H). It is noted that associate power of attorney practice was eliminated in 2004, see Federal Register notice found at 69 Fed. Reg. 29865 (May 26, 2004). Furthermore, Ms. Camara does not have power of attorney in this application. To make the record clear regarding this power of attorney issue, it is suggested that the assignee establish its ownership to prosecute the present patent term extension application in accordance with 37 C.F.R. § 3.71 with the filing of a 37 C.F.R. § 3.73(b) statement and a properly-signed power of attorney document.

Applicant has **ONE MONTH** from the date of this letter in order to file a corrected power of attorney. Extensions of time under 37 CFR 1.136 are NOT available. Failure to respond will result in the application for patent term extension being processed with Mr. Jacobsen acting in a representative capacity in accordance with 37 C.F.R. § 1.34

Any correspondence from applicant with respect to this matter should be addressed as follows:

By mail: Assistant Commissioner for Patents  
Mail Stop Hatch-Waxman PTE  
P.O. Box 1450  
Alexandria, VA 22313-1450

By FAX: (571) 273-0100  
Attn: Office of Patent Legal Administration

Telephone inquiries related to this notice should be directed to the undersigned at (571) 272-7755.

  
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Mary C. Till

Senior Legal Advisor  
Office of Patent Legal Administration  
Office of the Associate Commissioner  
for Patent Examination Policy

cc: Office of Regulatory Policy  
Food and Drug Administration  
10903 New Hampshire Ave., Bldg 51, Rm. 6222  
Silver Spring, MD 20993-0002

RE: DULERA®  
Docket No.:

Attn: Beverly Friedman